The RECONSTRUCTIONIST

VOL. XIV. FEBRUARY 4, 1949 SHEBAT 5, 5709 No. 20

- ***THE BILL OF RIGHTS IN THE DRAFT CONSTITUTION FOR ISRAEL***

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the Reconstructionist

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EDITORIALS

THE "EFFICIENCY EXPERT" APPROACH TO COMMUNITY ORGANIZATION

THE establishment of the State of Israel has made many Jews aware that American Jewry, too, needs a clearly defined status and an organized group life. This awakened interest in community organization was evidenced at the recent General Assembly of the Council of Jewish Federations and Welfare Funds, which met in Philadelphia, January 14-16.

The two main questions to which the CJFWF addressed itself at the Assembly were: (1) What shall be done about the multiplicity of fund-raising campaigns now plaguing American Jewry? (2) How shall we build the model Jewish community? It is apparent that these two questions are really one, since any organized community must arrange its fiscal affairs in a rational fashion.

A real effort was made by the Assembly to consider means of making community organization more democratic and representative. The "Proposed Platform Statement on the Role and Responsibilities of Jewish Community Organization," which was handed to each delegate and which served as the basis for the Assembly's discussions, gave adequate attention to the need for more democratic representation in the central community bodies, locally and nationally. Some critics of the Council have charged it with the desire to control and monopolize Jewish community life, but this charge was not substantiated by the Assembly's discussions. The Council would undoubtedly like to become the central body of American Jewry, but it was clearly brought out at the Assembly that the Council would first have to be more representative than at present. This assertion was made by a number of delegates, and it appeared to be the sentiment of the group as a whole.

Nevertheless, there are certain dangers in the program that the CJFWF has outlined for itself. The Assembly passed a number of resolutions asking for the creation of machinery for spreading authentic information about independent drives and for bringing all drives within the framework of a united campaign. In addition, a committee is to be appointed to study the possibility of establishing a National Jewish Welfare Fund to coordinate all non-local drives. It is obvious that the implementation of these proposals would confer great power on the CJFWF, for it would be able to decide what institutions are entitled to community-wide support, and it would have considerable control over the budgets of the favored institutions. The American

Jewish community is not yet ready for such a step.

The CJFWF program is concerned almost completely with structure. It wants to bring order out of chaos, which is good. But it does not ask itself the pertinent question: What is the purpose for which order is to be created? Is the problem of Jewish community organization merely a matter of greater representation, democracy and efficiency? If that were so, it would not be the complex problem that it is.

American Jews want an organized community in order that their individual needs as Jews can be met. Unless those needs are met, the community becomes a source of frustration. This is what is wrong with the "efficiency expert" approach to Jewish life. It fails to base itself on any integrating philosophy which takes account of those interests that make Jewish life worthwhile.

To be specific—the great majority of welfare federations have a consistent policy of denying community funds to religious institutions on the ground that they are divisive. That the synagogue is divided no one will deny. But, just because religious institutions disagree in their programs, it is important for the community to find a way of getting them to cooperate on those purposes which they have in common. Such cooperation is the basis of the community spirit. To exclude synagogues, theological seminaries and associations of religious functionaries from the community program is to remove from it its very heart, for these organizations are specifically designed to imbue the group with the will to live and with the values that make life worthwhile. Jewish community organization cannot succeed unless it takes into account all the vital needs of Jews. In the light of those needs it can then proceed to create the means for their satisfaction.

It is said that the very process of democratization and the broadening of representation in federations and community councils will result in giving expression to those needs. Undoubtedly, there is some truth to this assertion. For this reason, we heartily approve of the Council's efforts to stimulate such action. But unless these steps are guided by an understanding of the cultural, ethical and religious needs of Jews, and unless the structure of the community is made to correspond to its functions, that structure is likely to hamper rather than to liberate the Jewish spirit. The schools, synagogues, and cultural bodies involving varying ideologies must receive communal support, otherwise American Jews, by creating a strong central community body, will have created a device to stifle Jewish life.

Admittedly, the problem to which the Assembly addressed itself is a difficult one. It will require much discussion and the airing of conflicting views before a consensus can be reached. The Reconstructionist movement, which has pioneered in this field, has emphasized precisely those phases of the problem which, as we have pointed out, the CJFWF is inclined to ignore. Reconstructionism has stressed the importance of satisfying the personal needs of Jews by a community approach to Jewish religion, education and cultural recreation. To consider the next step in Jewish community organization, it has called a conference representative of all shades of Jewish opinion. We are hopeful that the conference, which will be held Sunday afternoon and evening, February 6th, will contribute to clarifying the issue and to giving direction to the evolution of the American Jewish Community.

UN'S MOMENTOUS DECLARATION OF HUMAN RIGHTS

A MOMENTOUS event in the moral development of the world took place on December 7th last. On that day, which marked the seventh anniversary of Pearl Harbor, the Social Committee of the United Nations Assembly, on which twenty-nine nations were represented, voted for the Declaration of Human Rights. The following day the General Assembly adopted the Declaration, with only the Soviet Union and its satellites abstaining. Never before, in the history of civilization as we know it, have the nations committed themselves to such a broad program of social advancement.

Those who have been watching with anxiety the uncertain steps taken by the United Nations toward solving problems of peace have certainly had occasion to doubt the efficacy of this latter-day League of Nations. When the UN fumbled the Palestine issue, temporized on the Indonesian aggression, stood helplessly by during the Chinese conflict, even its best friends had to confess that the moral level of the organization had reached a lamentable low. What a tonic, therefore, was the announcement that the Declaration of Human Rights had been adopted! Here was courageous moral affirmation of fundamental human decencies, the embodiment of the best and most sensitive thought on the question of human dignity, incorporated into a document of universal (or almost universal) applicability.

The fact that a gaping discrepancy exists between the ideals of the UN as expressed in the Declaration, and the acts which some UN members perpetrate, and which the UN as a whole frequently condones, may call forth cynical observations. But Mrs. Franklin D. Roosevelt, who headed the Human Rights Commission, rightly remarked that the document is like the American Bill of Rights. It sets up acknowledged standards toward which those who have adopted it are committed to strive. She might have compared the Declaration by the UN General Assembly to the Decalogue, of which the people said, *"Na-aseh v'nishmah,"* "We shall hearken and we shall obey." There was no assurance, when the Israelites accepted the Torah, that they would live up to it; but there is certainly no reason why their promise should not still be regarded as one of the milestones in the progress of civilization. The Bill of Rights, too, is not fully observed in the United States. But once that Bill of Rights formed an integral part of the Constitution, the people could with confidence invoke it as their legitimate inheritance. True, the Bill of Rights is law and the Declaration of Human Rights merely a declaration of principles that should be incorporated into law. But the mere formulation and adoption of these principles should prove helpful to those who want the law to protect human rights.

Thus, we may reasonably hope that the new Declaration of Human Rights will eventually be enforced. The peoples of the world now know what they are entitled to: life, liberty, security of person; no discrimination because of race, color, sex, language, religion or property; a fair trial; the right to privacy, freedom from interference with home or correspondence; the right to freedom of movement within a country, and the right to leave it; the right to social security, an adequate standard of living, education, rest, leisure, and periodic holidays with pay—and other rights enumerated in the Declaration.

It took quite a struggle to get this Declaration through. Mrs. Roosevelt, speaking off the record recently, at a

conference called by the State Department, described some of the obstacles encountered, particularly those created by the Soviet nations. Every device was resorted to, including filibuster and hair-splitting. For two years those who were determined to see the project through worked with patience and tact—only to find that they had compromised again and again to no avail. The opponents of the Declaration, having lost in the General Assembly, now hope that they shall win the final battle through the negligence and indifference of the masses of men and women throughout the world.

That hope must be frustrated. Public opinion must be aroused to realize the ideals of the Declaration. Public schools, religious schools, civic forums and colleges must make of it the subject of debate and elucidation. They must make sure that the people read the Declaration, study it, learn it and make it part of their very habit of thought. There will undoubtedly be some political and some religious groups which will try to relegate the Declaration to a dust-laden library shelf, because the Declaration challenges them either to revise or to reinterpret their traditions. Liberty-loving men and women should demand that this new Declaration become the new conscience of civilized man.

BEVIN FORCED TO YIELD

IN our latest issue we expressed alarm at the apparent intent of Great Britain to resort to military measures to carry out the Bevin policy against Israel. What Bevin's actual intentions were in rattling the saber as he did, we shall perhaps never know. But whatever his intentions, he seems to have overreached himself. His militant measures boomeranged. He has been compelled to yield to criticism and to mitigate his policy of hostility to Israel. The criticism came not only from Parliament but from the cabinet itself, and not only from the Conservative and Liberal opposition, but also from Mr. Bevin's own Labor Party.

As a result, Britain has acted to relax the tension. The Jewish DP's have at last been released from their illegal imprisonment in the Cyprus concentration camps and the first boatload of them has landed in Israel. The Government has, moreover, declared itself in favor of granting *de facto* recognition to Israel, though it has deferred action for a time in order, it is believed, to announce its recognition simultaneously with some of the other British dominions and the Benelux states (Belgium, Netherlands, Luxembourg) which are under British influence. In the meantime France has accorded *de facto* recognition to Israel, and other countries will probably follow suit. It now looks as if the next assembly of the UN will admit Israel to membership.

Of course, Israel is not yet out of the woods. What is it that has deadlocked the armistice conference between Egypt and Israel? As far as the military situation is concerned, Egypt would seem to have little choice but to accept any terms on which Israel would insist. But has Egypt perhaps been given some intimations of political support from without, or is the Israeli government being subjected to external political pressure? That will be cleared up in the course of the next week or so.

In the meantime, however, the prospect for peace with honor and relative security has brightened considerably for Israel. For this, we have, in great measure, to thank the United States government. We have often expressed our displeasure with the vacillating policy of our State Department and its apparent sub-

servience to the British Foreign Office. We are therefore happy this time to credit it with firm, but tactful — and therefore all the more effective — action in behalf of Israel.

When "inspired" rumors were predicting American approval of Bevin's threatening gesture after the shooting down of the British airmen, and the same "authorities" even went so far as to find that America was about to withdraw its *de facto* recognition of Israel, what happened? Our government sent a mild message to both sides cautioning against an extension of the area of war and commending direct armistice negotiations, which is what we wanted anyway. Our government not only expressly denied any intention of withdrawing *de facto* recognition, but reiterated the promise of *de jure* recognition after the Israeli elections. Moreover, it made good its promise of facilitating a loan to Israel through the Export-Import Bank.

The contrast between these acts and the British threat of armed intervention in aid of Egypt put Bevin on the spot. Great Britain was confronted, in effect, by a new declaration of American independence, serving notice that our country would no longer accept the role of cat's paw to British imperialism. The British government understood that notice, although it was not couched in the form of a verbal protest. Hence the surprisingly sudden change in British policy.

We believe that the recent acts of our government in behalf of Israel are evidence that President Truman means to carry out his pre-election pledges to the American people in respect to Palestine. We believe, moreover, that our new Secretary of State, Dean Acheson, is determined to carry out the President's policy and will not let it be sabotaged by underlings in his department. We rejoice in this vindication of American honor.

REALITIES AND VALUES

THE DECEMBER ISSUE OF *Jewish Life,* the organ of the Union of Orthodox Jewish Congregations, contains an interesting article by Rabbi Gilbert Klaperman, "We Think We've Solved the 'Milah' Problem." It tells of how the Jews of Charleston, S. C., met a difficult situation and solved a problem which no doubt confronts other communities as well.

A local *mohel* grew old and incompetent. As a result many Jews revolted against having their children circumcised or had them circumcised by physicians without any religious ceremonial to give significance to the rite as a token of the covenant.

The method pursued for restoring confidence in the *mohelim* was by the establishment of a communal board of physicians to pass on the qualifications of the *mohel* in respect to knowledge of aseptic methods and proper surgical techniques. Only *mohelim* who were licensed by this Board were recognized by the synagogues as qualified. The result was that the Board of Physicians was able to reassure the community by declaring: "We wish to point out that the presence of a physician at a ritual circumcision . .. is not essential."

We cite this as one more example of how a communal approach to the solution of Jewish problems can effect results unattainable by a congregational or denominational approach, even on many problems of religious ritual.

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IN OUR ISSUE OF DECEMBER 10, 1948, we called attention to the danger of an influx of Nazis to America un-

der the immigration law passed by the 80th Congress. We criticized Jewish defense organizations for not having agitated for the proper screening of those immigrants who are DP's merely because it is not safe for them to return to their native countries on account of the hostility of the present governments. Many of these DP's are not only anti-Communists, but pro-Fascists and active anti-Semites who participated in Nazi atrocities against Jews.

We are therefore happy to record that our civic defense organizations have since then taken a vigorous and united stand on this question, which promises to be successful. A joint statement on the subject was issued by the American Jewish Congress, the American Jewish Committee, the Anti-Defamation League of B'nai B'rith, the Jewish War Veterans, and the National Community Relations Advisory Council.

One man deserves especial credit for campaigning almost single-handed against this and other objectionable features of the immigration act—Abraham G. Duker. We are glad that we had the opportunity of helping him in that fight by publishing his article, "Admitting Pogromists and excluding Their Victims," in the October 1, 1948, issue of our magazine.

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FOR THE FIRST TIME IN HISTORY Moslem Arab women voted in an election, the election to the Israeli Parliament. One can judge what a radical departure from Arab tradition this step was by the provisions taken to implement it. The polling booths in Arab localities had to be cleared of men for a specified period on election day so that the women could vote without offending against Arab mores.

Once Arab women in Israel have the vote and enjoy the other benefits of the sex equality guaranteed by the Israeli constitution—if that provision in the tentative draft is retained—there is bound to be the beginning of a feminist revolt in neighboring Arab states as well. And this is just one way in which the establishment of the State of Israel is likely to affect the cultural pattern of the whole Near East.

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AT A MEETING OF THE COMMISSION on Orphaned Missions of the National Lutheran Council, Dr. Edwin Moll, Lutheran representative in Palestine criticized the recent World Council of Churches for not taking a pro-Arab stand on the Palestine question. He declared that, as a result of the "quiescent attitude" of the Council, "There will surely be a general hardening of the Mohammedan heart against the message of the Gospel of Christ" and warned that "The propagation of Christianity may be severely restricted and even outlawed in certain Arab states."

And so, in order to insure the propagation of the doctrine of the "Prince of Peace," Arab invaders must be permitted to ravage and kill Israelis to their heart's content, and the United Nations Charter must be turned into a scrap of paper, and truth and honor in international relations be utterly repudiated, and DP's must be forever imprisoned in concentration camps or else be subjected to the tender mercies of the Christian nations that looked on with mildly deprecatory gestures while six million Jews were being slaughtered.

It was bad enough for predatory oil interests to disregard the ethics of the claim of Israel to a free national home in Palestine, but for religious interests to play that kind of power politics is the most flagrant kind of sacrilege.

▼

A GROUP OF ROMAN CATHOLIC cab drivers and owners have banded to-

gether in an organization known as the St. Christopher's Guild of Taxi Operators. The purpose of the guild is to "keep high the ethical standards of the business, to promote strong spiritual morale among the members and to give customers courteous, kindly treatment."

We should like to see the synagogue make a similar effort to develop ethical standards in those areas of our economy which are largely in Jewish hands. If our synagogues in America could transcend their many denominational differences and cooperate on a communal scale to effect those ethical improvements on which all of them are agreed, it would immeasurably enhance the dignity and worth of Jewish life.

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Professor Martin J. Heinecken of the Lutheran Theological Seminary is reported by Religious News Service as having urged that "opportunity should be given the (theological) student to enter as fully as possible into the varied intellectual life of man, to subject himself to the discipline of doubt, to explore the views opposed to the Christian world view."

We do not feel that most Jewish theological students are isolated from contact with philosophic trends hostile to Judaism. But another sort of isolation sometimes interferes with their later effectiveness. As "professional Jews" from their student days, they have no notion of what it means to live a Jewish life in the American environment under circumstances in which interest in Judaism frequently conflicts with interest in one's career or even with one's livelihood. They can understand the heretic, but not the distraught, confused and bewildered Jewish layman, who lacks time and energy to find out what Judaism is all about. They can, therefore, be of little service to him. Yet he probably represents the majority of American Jewry.

How can this defect be remedied? We frankly do not know.

JEWISH CONTRIBUTIONS TO THE AMERICAN LABOR MOVEMENT

Without attempting to catalogue the results achieved (i.e., by labor in the consumer industries where Jewish labor leadership is conspicuous), some of the familiar advances have been the abolition of sweated tenement work, limitation of child labor, the introduction of industry planning and the establishment of an impartial chairman to police an industry, the provision by unions of educational opportunities, health centers and medical care, the organization of a bureau of experts, statisticians and economists to assist management among smaller establishments in trade and manufacturing problems—all this in addition to improvements in working and social conditions as well as in hours. They have, moreover, acted as the ferment in slum clearance, the abolition of prison labor, the adoption of the eight-hour day and later the forty-hour work week, collective bargaining and the limitation of court jurisdiction in labor disputes.

Thus they have earned the right to claim that it has been given to Jewish labor leaders "to enlarge and widen the human boundaries and spiritual realm of America."

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The Bill of Rights in the Draft Constitution of Israel

By MILTON R. KONVITZ

A few days ago, Israel elected its first parliament which will also be the constituent assembly to pass on the draft constitution that has been publicized in the press. Discussion of the legal and social implications of that constitution are today of the utmost importance. The following article analyzes some of the provisions of its bill of rights. A subsequent article by the same author will discuss some of its other provisions. The views expressed in these articles are not necessarily those of the Editorial Board, but we are happy to present them as an important contribution to the discussion of constitutional issues. We commend them to the consideration of the Israeli Parliament and to the general public. —EDITORS

Part I

THE proposed constitution for the State of Israel will be considered by the Constituent Assembly chosen in the national election on January 25, 1949. The draft constitution will certainly receive careful consideration from the members of the Assembly. It ought to receive the careful consideration of Jews everywhere, for we all have an important stake in the government and welfare of the people of the State of Israel. For the purpose of stimulating critical thought on this subject, I submit some observations on a number of the more significant general provisions and fundamental rights as proposed in the draft constitution.

The editorial on "Torah from Zion" in *The Reconstructionist* of January 7 speaks of the draft constitution as "an extraordinary document" and as "one of the most advanced social texts of our times." The draft constitution, the editorial states, closes up, at least in theory, "the gaps that time and circumstances have so painfully revealed in our American constitution."

With all due respect for the draft constitution and for my colleagues on the Editorial Board, I am compelled to enter my dissent. The editorial accords the draft constitution excessive and over-reaching praise and uses the document as the basis for an invidious comparison with the American constitution. No constructive purpose is served by praise beyond earned merits. The Israeli draft constitution is an important and praiseworthy document that ought to prove helpful to the members of the Constituent Assembly. But it is not the only constitutional document in the world, nor the most advanced, nor the most significant, from the standpoint of democratic principles and fundamental personal rights. In the last several years new constitutions have been adopted or proposed in a number of countries, including Korea, Venezuela, India, Italy, Nepal, and Japan. Each of the new constitutions or drafts includes significant provisions for the protection of fundamental rights. In some respects the Israeli draft is identical with other constitutions; in some respects the Israeli draft is not as far-reaching nor as advanced. On the whole I would say that the new constitution of Japan, which went into effect on May 3, 1947, is better qualified to claim to be "one of the most advanced social texts of our times."

These introductory remarks are not, of course, made in order merely to belittle the merits of the draft constitution. They are made on the basis of the belief that praise that misses the mark can do more harm than good. Reconstructionists do not believe that Jews are the Chosen People. Nor ought we to claim that the Israeli draft constitution is the Chosen Constitution — especially when an ob-

jective study of the document against the background of other constitutions would disclose the fact that it is not the best of all possible constitutions.

The Power to Amend

In one sense the draft constitution, if adopted, is not a document of fundamental importance, for the reason that it contains a provision which itself declares the constitution, by implication, as hardly more significant than a legislative act. Article 75 provides that the constitution shall be subject to amendment by the mere passage of amendatory legislation by the unicameral Chamber of Deputies, upon a two-thirds vote at two sessions, provided six months have passed between the two successive enactments. There are no exceptions—even the provisions dealing with fundamental rights may be amended in this way. Members of the Chamber of Deputies are the final depository of the ultimate constitutional power. In a sense, sovereignty is vested in them. The people are not to be consulted.

Under this provision there is nothing to prevent the Deputies from amending the constitution to lengthen their terms of office from four years to ten years without consulting or getting the approval of the people. By the simple device of two successive enactments, the Israel constitution may be changed from one guarantying fundamental rights to one that deprives the people of such rights. This may prove to be the Achilles heel of the constitution, just as the emergency provision in the Weimar Constitution made it easier for the Nazis to convert Germany from a democracy to a despotism.

No reader should assume that I contemplate the occasion of such use of the amendment provision as probable; but we are discussing a constitution, which means that we must anticipate even the improbable.

As it stands, Article 75 hardly puts more difficulties in the way of an amendment to the constitution than is to be found in the provision in the American constitution for the passage of *ordinary* legislation by *two* representative bodies and approval by the President.

Amendments to the American constitution are quite difficult for the reason that the constitution is for a federal union of states, and the approval of a certain proportion of the states is necessarily entailed. But the state of Israel is not a federation. Amendments could easily be put to popular vote.

National elections in Israel will be held only once in four years. In addition there will be the local elections. The political education of the citizens could easily stand the weight of a special election, on rare occasions, to consider proposed amendments. Considering present-day means of communication and transportation, and the population of the state in the foreseeable future, Israel could be viewed as hardly bigger than the Greek city-state of Plato's *Republic*. The constitution ought not to go out of its way to reduce the political participation of the Israeli citizens, especially where assertions of fundamental sovereignty are concerned, to a point below that found in democracies where the citizens are to be counted in the tens or hundreds of millions. Occasions for active participation in political affairs should be as many and as often as possible: there is no better education in civic responsibility or in the obligations of freedom.

The Open-Door-for-Jews Policy

The 3rd Article provides that the State of Israel "is designed to be the National Home of the Jewish People and shall

admit every Jew who desires to settle within its territory subject to such regulative provisions as may from time to time be enacted by the Chamber of Deputies." This is obviously an echo of the Balfour Declaration which pledged Palestine as the National Jewish Home. It also is intended as a promise to Jews throughout the world that the door to Israel will always be open to them should they find it necessary to flee or desirable to migrate from their homes in the diaspora. "Home," says Robert Frost in "The Death of the Hired Man," is the place where, when you have to go there, they have to take you in." Israel represents itself as the home of Jews in this sense.

Laudable as the motivation for the provision may be, its wisdom or discretion is open to question. For by this provision the State of Israel, a political entity within the family of nations, claims to be the national home of Jews everywhere in the world. Uncomplimentary comparisons may be suggested by this provision to unfriendly or even neutral minds; *e.g.*, the Arabs of Egypt or Syria claim the right of intervention on behalf of the Arabs of Palestine in disregard of political lines; and Nazi Germany claimed the right of intervention on behalf of the Germans in the Sudetenland. There are, admittedly, important differences, but they may not always appear important to third parties.

The provision could and should be eliminated. It can be left out without damage to what is involved; for Article 3 is not self-enforcing. A Jew outside of Israel could not ever, despite the provision, win enforcement of the right of admission should the government of Israel refuse to let him in, for no constitution vests rights in a foreigner outside of the state's territory; constitutional rights become effective only upon or after admission. Furthermore, the article contemplates subsequent legislation which would regulate admissions, and there is no restraint on the Deputies with respect to what may be provided in the regulations.

What will be important in terms of life-facts will be not the above article but the actual immigration policies.

Furthermore, the question may be raised seriously whether, after the first several years, when DP's should have a priority claim, an immigration policy which will suggest racial exclusion laws, or immigration laws which embody racial and religious discriminations, could possibly be justified. Article 3 seems to announce a policy for all time—a policy which will favor Jews among all peoples. After a few years I am afraid it will be difficult to justify, from the standpoint of democracy, such a policy. It may be difficult to explain, after the DP's are provided for, that a policy of Israel for Jews is justifiable by the tests of a broad democratic philosophy, while a policy of America for white Protestants is not justifiable.

Prohibition of Discrimination on Ground of Sex

Article 4 provides that there shall be no discrimination of any kind on the grounds of race, religion, language or sex. The Constitution of the United States contains no express guarantee of equality of the sexes, and it has been said that on this ground the Israeli draft constitution is more advanced than the American constitution. It is well to set the record straight with respect to this matter.

Since 1923 Congress has been considering the proposed Equal Rights Amendment, which provides that equality of rights shall not be denied or abridged by the United States or by any state on

account of sex. On its face the proposed amendment looks innnocent enough. Yet passage of the amendment has been opposed by the leading liberal organizations. The list of those opposed to the amendment is impressive; it includes the organizations that have always taken the lead in the struggle for the expansion of democratic rights. The opponents include the American Civil Liberties Union, National League of Women Voters, National Women's Trade Union League, American Federation of Labor, CIO, National Farmers Union, American Federation of Teachers, Young Women's Christian Association, National Council of Catholic Women, National Council of Jewish Women, National Council of Negro Women, and the American Association of University Women. Individuals who have led the fight against the amendment include Eleanor Roosevelt, Frances Perkins, Mary Anderson, and Frieda Miller.

The Equal Rights Amendment, if enacted, will affect three types of laws affecting the legal status of women: (1) Laws which deal with the relative rights of husbands and wives, some of which accord an inferior place to women. All women's organizations and all liberals would like to see the sex distinction in this group of laws eliminated. (2) Labor laws which regulate the conditions under which women are employed. The opponents of the amendment want to have such protective laws continued on the statute books. Advocates of the amendment, generally associations of professional women, are opposed to these laws as discriminatory. (3) Family support laws and special provisions in our social security laws which are premised on the belief that the father or husband should be the chief support of the family. These laws would probably be voided by the enactment of the Equal Rights Amendment and their elimination might place the woman in an inferior economic position. Opponents of the amendment have succeeded in procuring the passage of a large body of laws which remove political and other undesirable forms of sex discrimination, and are continuing their efforts to have corrective laws adopted. This is being done on a state by state basis. They do not want to see the baby thrown out with the bath. Advocates of the amendment, not speaking for labor or liberal groups, are bent on winning the abstraction and are not worried by the harm that the amendment would entail; there is general agreement that the amendment would wipe out the special laws enacted for the protection of women.

The debate over the Equal Rights Amendment ought to be of some help in an evaluation of the article in the draft constitution for Israel, which is similar in substance to the proposed amendment. In this connection Article 24 in the draft constitution needs to be considered, for that article expressly provides for the enactment of legislation for the "protection of motherhood and child life." This means that sex distinctions in legislation will be permitted if they are for the protection of motherhood. The language in Article 24 is unnecessarily restrictive, or the language in Article 4 is undesirably too broad.

A solution that suggests itself is to leave out the reference to sex in the clause in Article 4 discussed above and to rely on another provision in Article 4 to achieve equality of the sexes without prejudice to the constitutionality of certain types of legislation which would single out women for special protection. The other provision in Article 4 is the second clause, which reads as follows: "All citizens of the State shall enjoy equal civic and political rights. No citizen shall be at a disadvantage as a candidate

for public office or employment or in the matter of promotion, on account of his race, religion, language or sex."

This suggestion may not be adequate to meet the problem. Enough has been said here, however, to indicate that more thought needs to be given to the problem than it has apparently received, and that the solution is not found in a broad equal rights provision.

Language Freedom

As indicated, the draft constitution provides that there shall be no discrimination on the grounds of language. This is covered in Article 4, which we have already considered. Article 5 declares Hebrew as the official language; adequate facilities, however, are to be given Arabic-speaking citizens for the use of their language in the legislature, before courts and other public bodies. Article 25 provides that the state shall provide primary and secondary education to Jews and Arabs in their own language and cultural traditions. Each community (meaning, I take it, the Jewish community and the Arab community) is given the right to maintain its own schools for the education of its own members in its own language. Foreign educational establishments are "allowed to continue their activity on the basis of their existing rights."

These provisions assume that the inhabitants of Israel will fall into one or the other of two groups; namely, Jews or Arabs. What of non-Arab Christians?

Why should not a group of citizens be permitted to maintain an English or Yiddish or any other language school? The state has the right to make the teaching of Hebrew compulsory. But once the child has been taught Hebrew, why may he not be taught some subjects in another language?

American courts, including the Supreme Court, have held that a parent has the right to have his child taught any foreign language or any subject in a foreign language, provided the school conforms to standards fixed by public authority, which may include the requirement that the child be taught the English language during certain hours. Certainly there is the constitutional right, a recent case has decided, to have a foreign language school which convenes after the public school dismisses, like the Chinese and Japanese language schools in Hawaii or the American Talmud Torah. There is no guarantee of such freedom or right in the draft constitution.

Hebrew is now rooted firmly enough not to fear supplanting by a competitor. A state has the right to seek the political homogeneity of the citizens; but a democracy must leave the achievement of cultural homogeneity to forces that express themselves freely, without legal compulsion. A constitution must contemplate the freedom of a society to develop many, and even competing, cultures; and a democracy, as our own country, coming out the victor in two world wars, has amply demonstrated, can be committed to cultural pluralism without fear that its political structure will in any way be weakened. Certainly Hebrew should be the official language of Israel; but beyond this requirement are large open fields in which the free spirit of its inhabitants should be permitted to explore without let or hindrance. Language is a challenge and an invitation to the spirit; it is a store-room and a key. Its use ought to be as free as the air. Had we not been permitted to study and use Hebrew freely in the countries of the diaspora, Hebrew would not today be the language of the citizens of the State of Israel. The people of the State of Israel ought to bear in mind the

fact that other people may feel about another language the same things that the Jews of Israel feel about Hebrew, and accord foreign languages—all foreign languages—the same freedom that they want Hebrew to enjoy in, say, the United States.

Religious Freedom

Article 15 provides for "freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals." It provides for tax-exemption of all religious property "which was exempt from taxation on the date of the establishment of the State." The article also provides that the Sabbath and Jewish Holy Days shall be days of rest and spiritual elevation "and shall be recognized as such in the laws of the country." The Holy Days of other religious denominations shall "equally be recognized as legal days of rest for the members of such denominations." Then Article 70 provides for "religious courts of the Jewish, Moslem and Christian communities exercising jurisdiction in matters of personal status and of religious foundations and endowments."

It is apparent that the draft constitution does not contemplate the separation of church and state. Freedom of conscience is one thing; separation of church and state is another thing. There is freedom of conscience in Britain but no separation of the Church of England from the state. The draft constitution falls far short of the religious freedom guarantees found in other recent constitutions; *e.g.,* the Korean constitution prohibits the establishment of a state religion and provides for the independence of religion from politics. This provision is in the constitution despite the fact that Koreans had previously been required to observe Shinto worship. The constitution of Japan goes much further than does the draft Israeli constitution; for it provides that no religious organization "shall receive any privileges from the state, nor exercise any political activity. No person shall be compelled to take part in any religious act, celebration, rite or practice. The state and its organs shall refrain from religious education or any other religious activity."

It should be noted that the Sabbath and Jewish Holy Days are to be days of rest and spiritual elevation not only for Jews but for all persons living under the laws of the land. The only concession is that members of other denominations may, *in addition,* observe their own Holy Days. Nor is there a provision that Moslems may observe Friday as their Sabbath, or Christians Sunday as their Sabbath, for a distinction is made between the Sabbath and Holy Days. It is certainly not religious freedom to compel non-Jews to observe the Jewish Sabbath and Holy Days as days of rest and spiritual elevation. (How can one *compel,* incidentally, spiritual elevation? Religious observances may be compelled, but the spirit is beyond the reach of force, as we Jews can easily testify.)

Article 15 permits the Deputies to adopt legislation which will indicate the ways in which the community, regardless of religious affiliation, shall rest on the Jewish Sabbath and Holy Days and how they shall acquire spiritual elevation. The door is open to all sorts of restrictions known here as Sunday Blue Laws, an inheritance from the Puritan days when people did not believe in the separation of church and state.

Tax exemption will not apply to property dedicated to religious purposes or uses after the state came into existence. This means the freezing of this form of state support of religious institutions as of May 14, 1948. This freezing of privi-

leges will fall with a special impact on the non-Orthodox religious organizations that may develop in future years; it places a penalty on deviations from Orthodoxy.

The provision for the establishment of religious courts, to exercise jurisdiction in matters of personal status and in matters relating to religious foundations and endowments, is another indication that the inhabitants of Israel will not see before them that high and impregnable wall of separation between church and state which we find in the Constitution of the United States and on behalf of which leading Jewish organizations filed briefs with the United States Supreme Court.

Of course, I understand that the provision, as well as the one relating to the Sabbath and Holy Days, was put in as a concession to the rabbis and the Orthodox Jews and in part as an attempt to comply with the conditions of independence set forth in the Partition Resolution of the UN Assembly. Ways should be found, none the less, to place in the constitution provisions relating to religious freedom that are more in conformance with Western ideas of democracy. To give in to immediate expediencies is only to open the door to later trouble.

Laws, even those that relate to personal status and to religious organizations, should, in a democracy, come from the people and its elected representatives, and not from any group of clergymen. The state ought not to give up a province of law-making to any body of persons not elected by the people. The divorce law, for example, should be made by the deputies and should be one that accords equal status and rights to the husband and the wife, and one which would have its eyes chiefly on the children; thus there might be one law of divorce for a childless couple and another law where there are children. The law of a free country should permit intermarriage. This does not mean that rabbis should be compelled to perform such marriages or to treat the man and woman on the basis of equality in divorce cases—what the rabbis do should not be the concern of the state; and by the same token, what the state does, should be no concern of the rabbis. Religious law should make its appeal to the conscience; the law of the state should make its appeal to the body of the citizens; those who wish to satisfy both body and soul should be free to do so, as they are in the United States.

Insofar as freedom will flourish in the State of Israel, the Orthodox rabbinate will feel compelled to modernize rabbinic law in the direction of wider freedoms and more equality. If the state takes the lead, the rabbis will need to follow or they will lose all contact with the masses of the people. The separation of church and state may contribute to the revitalization of Judaism; competition in freedom will be good for both. But abdication by the state of its law-making function in any vital area of public concern may render both state and church sterile. The issue is of greatest consequence to the future development of Jewish culture both within and without the State of Israel; the resolution of this issue on the basis of weak compromise or timid expediency, in the place of fundamental principles, will be a shocking surrender of democracy to reaction.

These are, I know, strong words; but in such matters words ought not to be minced, nor ought one to run away from an occasion to say them.

Judaism as a religious civilization can flower only if the spirit is left free to blow where it listeth. If the organs of the state will be weighted down by a body

of law that denies the capacity to change, and that denies the right of the people to change law, the religious civilization of the state may live up to Toynbee's characterization of Judaism as a relic. The citizens of the State of Israel must be made to see the issue in all its nakedness.

The Controversy About the UPA Administration

The following is a report of an investigation made on our behalf into the controversy that almost wrecked the unity of the United Jewish Appeal for 1949 and has not yet been fully resolved. Though the press has publicized the charges and counter-charges of the parties to the controversy, little has been said or written by way of objective clarification of its issues. We believe that the following report will help to put the controversy in its proper perspective and to raise the level of public discussion from that of name-calling to that of a reasoned consideration of proposed changes in the structure and administration of the United Jewish Appeal and its constituent agencies. We regret that the report cannot be as complete as we should like, because our investigators found themselves obstructed in their work by the reluctance of some of the leaders of both sides to provide them with information. We nevertheless publish it in the belief that even the information which was grudgingly given is sufficient to bring to the fore the fundamental issues. —EDITORS

THIS report proposes to discuss the following points:

A. The issues in controversy between Mr. Montor and the ZOA leadership.

B. The background of the dispute.

C. Our recommendation for changes in the fund-raising mechanism on behalf of Israel and other general Jewish needs and our suggestion for a revision in the functions of Zionist organizations.

The Issues of Controversy— Montor's Charges

On November 2nd, there appeared in the *New York Times* a report of the resignation of Mr. Henry Montor as executive vice-chairman of the United Palestine Appeal. This report and a letter of resignation sent by Mr. Montor to Rabbi Israel Goldstein, then chairman of the UPA, contained the charges against the UPA and the ZOA leadership, which Montor gave as reasons for his resignation.* These charges were as follows:

1. That the Zionist Organization of America, through control of the directorates of both the Keren Hayesod (Foundation Fund) and the Keren Kayemet (Jewish National Fund), is able to dictate the distribution of funds to Israel, received by these two agencies from the UPA, a constituent body of the community-wide UJA. Montor charged that, "the ZOA, to all intents and purposes, is taking over absolute control not only of the funds raised by Jews of the United States, but by Jews everywhere in the world. . . ."

2. That this control over fund distribution was being used as "a lever with which to change or dominate the social structure of Palestine. . . ." Regarding the attitude of American Jews, Montor declared: "They do not wish their funds controlled by the ZOA for its political ends . . . they do not want their funds diverted or tampered with en route."

3. That (at the time of the letter) the UPA was but a paper organization, whose sole function was to remit the funds received, in equal amounts, directly to the New York offices of the Keren

* The letter was made public by sources other than Mr. Montor.

Hayesod and the Keren Kayemet, under the assumption that these funds would be transmitted as rapidly as possible to the Jerusalem offices of these organizations.

4. That, owing to the fact that the UPA was but a paper organization, control by the ZOA of the Keren Hayesod and Keren Kayemet actually meant control over the funds raised by the American Jewish community as a whole, out of all proportion to the fund-raising strength of the ZOA. Montor charged that the ZOA was unfairly taking credit in Israel for fund-raising carried on by the entire American Jewish community.

5. That the meeting of the Actions Committee of the World Zionist Organization in the summer of 1948 resulted in the "capture by the ZOA of the facilities for financial aid to Israel."

The ZOA Rejoinder

Mr. Montor's charges were strongly denied by Rabbi Israel Goldstein and a number of other Zionist leaders. Rabbi Goldstein stated as follows:

1. That the New York offices of both the Keren Hayesod and the Keren Kayemet are directly under the control of both the Jewish National Fund and the World Zionist Organization. In addition, the budgeting of the actual needs of the Yishuv is made by the Jewish Agency as a whole and not by the ZOA.

2. That the decisions made at the Actions Committee meetings in Israel were not made by the ZOA alone but by the majority vote of all Zionist organizations therein represented.

3. That the "contributing public" has exhibited confidence in the leadership of the UPA.

4. That Mr. Montor's proposals for reorganization of the UPA amount to the inclusion of the communities in the field of "budgeting the expenditures of the UJA."

5. That no change took place at the Actions Committee meeting giving control of fund distribution to the ZOA.

6. That the ZOA was not trying to "make it appear in Israel that they alone were responsible for raising funds in the U.S.A. . . ."

7. That Mr. Montor's arguments were specious and that he was moved not by a concern for the "best interests of the cause" but rather by "a bitterness against the present ZOA administration."

8. That the New York offices of Keren Kayemet and Keren Hayesod send monies to their Jerusalem offices and that the "large sums raised in the U.S.A. for Palestine have done the job for which they were intended."

The Organization of the Committee of Contributors and Workers

Shortly after Montor's resignation and the replies of the ZOA leaders, the formation of the Committee of Contributors and Workers was announced. This committee came into existence after the October meeting of the UPA had agreed to admit welfare fund groups to representation on its governing boards in the proportion of 30 percent for these groups and 70 percent for the Keren Hayesod and Keren Kayemet. The Committee of Contributors and Workers, consisting of some of the leading contributors to the UPA, issued a call for an independent conference on fund-raising for Israel, to be held December 11 and 12, 1948. Its chairman, Abraham Feinberg, declared that the purpose of the meeting was to "consider the most effective program of giving aid to Israel in 1949," and that the decision to call such a conference was reached "in view of the nation-wide concern over the critical financial burdens today facing the state of Israel."

The objectives of the committee and the conference were stated as follows:

1. "All American Jews shall share in the responsibility for raising funds for Israel in 1949."

2. "All funds raised in the U.S.A. for Israel shall be remitted directly to Israel."

3. "Final authority for allocation and disbursements of funds remitted to Israel from the Jews of America shall rest with the Executive of the Jewish Agency in Israel."

To carry out these objectives, the organization unanimously adopted a program whose main features were:

1. Reorganization of the UPA as a self-governing body having full power of action over disbursements in the U.S.A., with the Jewish Agency in Israel retaining full control over expenditures in Israel.

2. Representation of the local communities in the proportion of 50 percent on the governing boards of the reconstructed UPA.

The Council of Jewish Federations and Welfare Funds Mediates

While this dispute was going on, an offer to mediate was made by the Council of Jewish Federations and Welfare Funds and was accepted by both the UPA and the Committee of Contributors and Workers. The agreement reached at meetings held in the latter part of November and made public on December 6 called for the following points:

1. "All governing bodies of the UPA shall consist of representatives of the Keren Hayesod and the Jewish National Fund in the proportion of 60 percent, and representatives of the communities in the proportion of 40 percent."

2. "The UPA will, with the greatest promptitude, make available all monies received in 1949 to the principal beneficiaries, namely, the Treasury of the Jewish Agency for Palestine and the head offices of the Keren Hayesod and Keren Kayemet in Israel, and will disburse such funds through agencies and procedures authorized by them."

3. The UPA will have the power to make its own recommendations regarding all proposals for allocations and grants outside the principal beneficiaries (the Keren Hayesod and Keren Kayemet in Israel), and the American Keren Hayesod and Keren Kayemet shall have the power to consider such proposals and make their recommendations concerning them, provided "that they communicate their recommendations to the UPA for consideration and action by it before communicating them to the principal beneficiaries in Israel." "Final authority on all grants and allocations rests with the head office or head offices concerned and with the Executive of the Jewish Agency."

4. The Committee of Contributors and Workers agrees to call off the meetings announced for December 11 and 12.

The Background of the Controversy— The New Situation in Zionism

It appears to us that the reason why these issues arose so sharply at this time is the development of a totally new situation in Zionism, which demands readjustment in organization, attitudes and behavior. It is in the light of this new situation that the issues must be evaluated. Some of the factors involved have been long in the making, while others are fresh, coming into being with the emergence of the new state or the events leading up to it. It is imperative that this new situation be studied in the context of Zionist political activity here and in Israel in recent years.

In the United States the most influential Zionist organization has been the ZOA. It has been committed to a nonpartisan policy with regard to the *kind*

of state desired and thus adopted a "general" Zionist program. It interested itself mainly in Zionist propaganda and education for the Jews of this country, in political action on behalf of the Yishuv and in fund raising. This non-partisan policy was highly successful among middle class American Jews. Owing to the hard labor, ingenuity and intelligence of its leadership, the ZOA exercised a strong influence in all Zionist councils. In Israel the major political force has been labor Zionism. A semi-socialist and unique labor economy has developed alongside capitalist institutions. General Zionism remained a minor force in Israel and drew most of its strength from the prestige and power of the ZOA.

For a number of years the divergent viewpoints of general and labor Zionism, while conflicting on many issues, never emerged as a clash between American general Zionism and Israeli labor Zionism. In recent years, however, this situation has changed, particularly with the coming into being of the state. General Zionism could no longer maintain a "neutral" policy with regard to the *kind* of state for Israel.

The clearest manifestation of this abandonment of "neutrality" appeared in the ZOA attitude towards the Irgun and the Stern Group. The ZOA always hesitated to take an unequivocal stand in opposition to these organizations. At the 1947 convention a resolution was passed condemning "dissident groups" without mentioning by name the organizations involved. This drew strong protest from a prominent past-president, who demanded condemnation by name. Whatever the motivation behind the stand of the ZOA, this policy of refraining from forthright denunciation of Irgun activity brought strong opposition from Israel, whose labor leadership was bitterly anti-Irgun.

The development of a partisan stand by the ZOA is further evidenced by the revolt against that stand on the part of a group of members organized as the Committee for Progressive Zionism. The committee opposes the economic program of the ZOA leadership. More and more evidence is becoming available that the ZOA is now abandoning its non-partisan Zionism and taking a definite stand in opposition to some aspects of the program of the labor government and of the Histadrut.* It is taking the stand of a right-of-center movement.

With the establishment of the state, this conflict becomes manifest in many ways. The question of the role of the World Zionist Congress and its relation to the government of Israel is a key to an understanding of the conflict between the views of the Israeli government and the general Zionists. While other important factors enter, it is not unreasonable to assume that labor's desire for a continuation of Israeli representation in the World Zionist Organization is based on a fear of outside interference in policies affecting Israel, while the ZOA's desire for a severance is due to a fear that the state may adopt policies of which the ZOA does not approve. For if the WZO, on the one hand, is maintained virtually as presently constituted, then Israeli representatives can still vote on any American proposal. If, on the other hand, a severance is made, then the Americans will have a free hand. This, becomes a crucial area of conflict.

But the struggle goes a bit further, and here is where it all ties up with the present controversies. It is quite clear that the power of the general Zionists in Israel and the influence of American general Zionism in Israel are due to

* We refer our readers to an article by Daniel Frisch, "The ZOA at the Crossroads," in *The New Palestine*, Jan. 13, 1948.

the position of the ZOA as apparent spokesman for American Jewry and for its apparent position as leading fund raiser for Israel. Now it is quite true that, for a long time this was so, that the ZOA did collect the bulk of monies for Israel. In fact, the Keren Hayesod and Keren Kayemet were the particular concerns of the ZOA, and interest in Israel was almost solely manifest by Zionist organizations, among which the ZOA was the most influential. However, in recent years the situation has changed. The tragedy in Europe has created an immense need for huge sums to aid the victims of Nazi and Fascist persecutions. Moreover, the connection between the plight of the DP's and the need for a state became so obvious that the needs of the Yishuv and those of European Jewry no longer assumed the form of rival claims but gave rise to a single program of relief and rehabilitation. In the past few years alone, the DP's and the Yishuv have required and received hundreds of millions of dollars. To meet these great needs, separate campaigns by the Joint Distribution Committee for Overseas Relief and the Keren Hayesod and Keren Kayemet for Israel would have proved inadequate; hence these efforts were merged in a joint community-wide fund-raising plan, the United Jewish Appeal.

It is thus obvious that in recent years the funds raised for Israel, particularly for the two constituent bodies of the UPA, itself a member of the UJA, come from the community as a whole and are not the result of the efforts or contributions of any single organization. The monies raised for Israel are raised by American Jewry as a whole and cannot be credited to any one branch of that community. It is thus also clear that the position of the ZOA as money raiser and as spokesman for American Jewry to Israel has drastically changed, and that it no longer occupies the leading role of the past.

It is against such a background of developing struggle between American general Zionism and Israeli labor Zionism, and of tremendous change in fund-raising procedures and participation, that the issues involved in the controversy can be understood. The controversy has not taken place in a vacuum but rather in a concrete political situation. In that situation the institutions and programs that were adequate in the past are no longer adequate, and we are faced with the task of reorganization and change. It is almost inevitable that those whose interest and institutional loyalties are identified with the preservation of the present status would develop a strong antagonism for those who urge the need for change and vice versa. This personal element is responsible for the bitter recriminations that have beclouded the issues and have interfered with a rational approach to the problem.

Before making any recommendations of our own toward a solution of the problem, we wish to call attention to certain facts about the organization and administration of the UPA that have a bearing on the issues raised and to some of the implications of those facts.

1. The ZOA has, up to the recent agreement, controlled the directorates of both the Keren Hayesod and Keren Kayemet. By amendments to the original by-laws of the New York corporations of Keren Hayesod and Keren Kayemet, the ZOA in 1942 received 69 out of 125 directorates on the Keren Hayesod. It also held some 40 percent control of the directorship of the Keren Kayemet.

2. The UPA was, up to the recent agreement, a "paper organization." It had no function other than that of transmitting to the New York offices—*not to the*

Jerusalem offices—of the Keren Hayesod and Keren Kayemet all monies received from the UJA, of which the UPA was a constituent body.

3. Thus by controlling the Keren Hayesod and Keren Kayemet directorates, the ZOA controlled the decision-making apparatus of the UPA, which was required to submit its funds—raised by the entire community—to these two organizations.

4. By reason of the structure of the UPA and the ZOA's control of the Keren Hayesod and Keren Kayemet, the UJA, although it is a genuine community-wide instrument, has no influence on the disbursement of funds allocated to the UPA. In other words, the community at large had, prior to Mr. Montor's letter, no say in the administration of the UPA or of the Keren Hayesod and the Keren Kayemet.

5. The recent agreement effected by the mediation of the National Council of Jewish Federations and Welfare Funds, is a step toward a more democratic administration of the funds. It increases representation of local communities on the executive of the newly reorganized UPA. The UPA board will then be truly representative, of the community, provided, of course, that the machinery for electing local representatives is truly democratic. No longer will one of the participating organizations have the complete say in the disbursement of the funds; nor will it be able to claim sole credit for funds contributed. For the Zionist movement as a whole is no longer the sole benefactor of Israel. A healthy community-wide interest is being demonstrated in support for Israel, involving all sections of American Jewry.

6. It is fortunate that a separate fund-raising institution, such as was contemplated by the Committee of Contributors and Workers, has not been set up. Such a step would have seriously split the community and would have harmed the cause of Israel. Nevertheless, Montor and the Committee of Contributors and Workers have made a contribution to the cause of Zionism and Jewish community organization by pointing up the problem of UPA structure.

7. The agreement reached is a step towards strengthening our relations as a community with Israel by emphasizing the responsibility of American Jewry as a whole for its support.

Recommendations

In the light of the foregoing, it is apparent that fresh and bold thinking on the future of the UJA and the relations of American Zionism to Israel is called for. As a contribution to such thinking we wish to make the following few suggestions:

1. The Keren Hayesod and Keren Kayemet administrations in America should act only as channels of communication between the UPA and the world organizations of the Keren Hayesod and Keren Kayemet and as public relations agencies.

2. The UPA should endeavor to become what its name implies an appeal for all Israeli needs.* It should include support of such institutions as the Hebrew University, the American Fund for Palestinian Institutions, the Red Magen David, etc. It should allocate the funds to these institutions in consultation with the Israeli Government and the executive of the World Zionist Organization, and transmit those funds directly to Israel.

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* Mr. Harry Lurie, executive director of the CJFWF, made the same suggestion at the recent General Assembly of that organization in Philadelphia.—*Editors.*

3. The surrender by the ZOA of its financial control over UPA funds does not mean a surrender of its right or its obligation to guide American Jewry's participation in the upbuilding of Eretz Yisrael, but it does involve a change of method. Instead of exercising that guidance by financial control over national funds, it and all other Zionist organizations should exercise their influence by propaganda directed to the local Jewish communities.

4. We recommend that the other organizations participating in the UJA shall also give consideration to sharing their control over the funds allocated to them with representatives of local Jewish communities.

The foregoing recommendations are offered tentatively in the hope that they will be discussed and criticized from all angles. It should be possible to conduct such discussion without name-calling and recrimination. If the recommendations here made serve no other purpose than to clear the atmosphere of the fog of innuendo and vituperation which have beclouded the issues, the authors of this report will be satisfied that they have not labored in vain.

A Letter About Israel's Constitution

Dear friend:

I found your last letter highly intriguing and enlightening. It arrived when I had just read the text of the proposed constitution for the new state of Israel in the *Times* and *Hadoar,* in English and in Hebrew. I must confess that I was really happy after reading it. I find in it the application of many sound principles on which every modern man or woman, Jew or Gentile, can agree. Taken as a whole, it is certainly a valuable contribution by leading men in Israel today to the body of thought about the character of Israel, which is the accumulation of ages, from the Song of Deborah to the writings of Ahad Ha'am and Buber.

Let me pick some raisins out of the cake. Every citizen, it says, has equal civil and political rights, regardless of race, religion, language or sex. That means that in Israel, even a Moslem or Christian woman, or a pronounced atheist can become president if the majority of the population or of its representatives think him to be the fittest person for this job. This is, of course, a big risk, but chances must be taken if democracy is to be more than an empty gesture.

Then the draft says that the death penalty will be abolished. The last relic of the ancient principle of retaliation or vengeance would thus be buried. Punishment would become an educative cure to rehabilitate the lost dignity of man. And no man would any longer be declared morally incurable, not even one who disregards the sacredness of life, tempted by an overstrong impulse of aggression or revenge.

The social provisions of the new constitution follow the best patterns of modern states. The State takes responsibility for guaranteeing all citizens without distinction a decent standard of living and a fair and equal opportunity for earning a livelihood. These are big promises, of course, and nobody will expect that they be fulfilled overnight. At any rate, they are pointers in the right direction.

The parliament is instructed to provide by legislation for a reasonable minimum wage and decent labor conditions. It will have to guarantee the economic security of the people by a system of

state insurance against the risks of accident, sickness, disablement, unemployment, old age and other causes of undeserved want. It will have to protect working mothers and children, widows and orphans. If Amos and Isaiah came back and read these provisions, their faces would beam with joy that at last their admonitions were being heeded. Right above Might—that is the essence of Judaism at its best.

In the same spirit, the draft proclaims the right to work. This concept is not elaborated. Does it mean that everybody shall get *a* job or *his* job, the kind of job he himself wants? Maybe there will be a trend from *a* job to *his* job. In any case, work is considered an essential human need like food, sex, property, health, home-making and life. It is not clear whether the right to work also implies the duty to work, whether an able man who despises regular work would be regarded as a social parasite. Here, too, I think, the draft writes only the first chapter, not the last.

It is surprising that a national health service is provided for but not a national law service, which would logically follow from the same principle of distributing among the entire public the extraordinary but necessary expenditures of its individual members. The draft was written by jurists. How could they have forgotten the law? I know that you will call me naive for expecting all lawyers to be social-minded and to forget their own professional interests. Perhaps I am, but the draft must have been written by men with a high sense of social responsibility and not by "business-first" lawyers.

It also seems to me that the drafters of the constitution have not thought deeply enough about the problem of education. They forget to mention universities and adult education. Here I protest in the name of the Talmud. For our rabbis have always taught that learning and education are independent of age, that every Jew—and so I hope also every Israeli, be he Jew or Arab—will be provided with facilities for study from his babyhood to his grave.

While I was thinking about all this, I received your letter. It was like a cold shower, cooling off my enthusiasm. You write that the draft is not the homogeneous work of an Israeli genius, but a compilation and the result of political conflicts and compromises. It lacks the coherence and consistency of a system of principles. You write that for the constitution to base the State's claim to sovereignty on the legend that God had promised the land to our Fathers is to you no better than it would be for a modern Japanese constitution to rest the Japanese state's claim to sovereignty over Japan on the myth that the emperor was a descendant of the Sun-goddess.

I agree with you that a modern constitution cannot be based on controversial metaphysical assumptions and on dubious historical premises. In the English text we read only that God delivered us from the burden of exile. Even that, I think, is too much metaphysics. In any case, we must not have two divergent texts, one for home consumption and the other for export. It is also historically objectionable that the draft mentions the prophets of Israel as the only authority for the ideals of peace and righteousness. Why not also mention our sages and legislators, thinkers and writers of all periods from Moses to Hermann Cohen and Martin Buber, and why not add that this draft also owes much to the great sages of the Gentiles? Even the Torah records that Moses learned much about government from the priest of Midian.

I fully agree with you that a really modern constitution should be based on

some fundamental principles which must be well-grounded in observation and experience. They should be intelligible to the man in the street and even to the boy and girl of school age. For the constitution should be studied very conscientiously in all schools of the country. It should be applied as a textbook of good citizenship and political ethics. It should also be a source of religiousness insofar as that is based on deep human needs, common to all creeds and not grounded in sectarian, mythical or mystical opinions.

I would suggest these points as essential for a good constitution: First, I would say that the enjoyment of rights must involve an equivalent acceptance of responsibilities. Then I would stress that the state is the creation of the people and that laws are only effective if the people stand back of them at all times and take them seriously. I would also make the point that true unity is not based on uniformity and conformity but on creativity and diversity. Conformity impoverishes; diversity enriches. The increase of tension and conflicts must be complemented by an increase of good will and cooperation. And ultimately I would emphasize that loyalty to tradition and the drive for progress must also be complementary. The more loyal we are to the best of our traditions, the freer must we be to amend the worst of our traditions; and, conversely, the more eager we are to change what needs to be changed, the more we must be careful to preserve what is sound in tradition. An extreme iconoclasm can be as harmful as too much inertia and immobility.

That can all be expressed as tersely and lucidly as the Ten Commandments, the inimitable masterwork in the terse and lucid formulation of law.

I know that you will criticize every point I make in my letter. I like your criticism because it is illuminating and inspiring. Therefore I am looking forward to your next letter with great pleasure.

Yours sincerely,

IMMANUEL LEWY

Random Thoughts

There are two schools of psychology nowadays: one thinks religion is a disease, the other thinks it is a cure.

* * *

We are generally educated to profess but not educated enough to believe what we profess.

* * *

There evidently is something Protean about the feudal order of society.

Else how does it manage to establish itself in democracy, in fascism and in communism with the same naturalness and ease as in the days when knighthood was in flower?

* * *

Most of the characters in modern books are of the man-bite-dog type.

* * *

The first pressure cooker was in the form of a political lobby.

* * *

When we succeed in abolishing the distinction between ethics and religion, we shall succeed in abolishing also the distinction between politics and ethics.

* * *

When a Jew who is ignorant of his people's tradition says he is proud to be a Jew, he displays neurotic pride.

Karen Horney defines neurotic pride as an "exalted self-esteem that is not built upon existing assets but upon imaginary superiority."

She goes on to say that "the more a person's whole being comes to rest on such pride, the more vulnerable he is. He feels then, easily humiliated and reacts to it with vindictive impulses."

That explains why preoccupation with anti-Semitism is the obsession of Jews who are such in name only.

* * *

It takes durable values to render life endurable.

* * *

None feel so insecure as those to whom being safe is the most important thing in the world.

* * *

Are the evils of civilization due to the malice of human nature or is the malice of human nature due to the evils of civilization?

We shall be able to answer that question, when we know which came first, the chicken or the egg.

* * *

The ancients were full of advice to children and grandchildren.

The moderns are full of advice to parents and grandparents.

* * *

There are people who, when they ask you, "What's new?" are really bursting to tell you mainly what's on their own minds.

* * *

A good rule in preaching is to adopt the commando method: strike hard and fast and get away in a hurry.

* * *

Thurber's recent book called "The Beast in Me and Other Animals" reminds one of a small brochure of rhymed satires published in the halcyon days of Germany, under the title *"Israeliten und andere Anti-Semiten"* ("Israelites and Other Anti-Semites").

* * *

It is highly important to watch the convalescent.

The reconditioning of the sick and disabled ends only when the patient is completely readjusted.

That is why we dare not relax in our efforts for the State of Israel.

* * *

If human beings made it a point not to draw inspiration from memories that are fictitious, they would not cherish hopes that are illusions.

* * *

Nostalgia is the occupational disease of historians.

* * *

Certain Jewish boys who shared dormitory with Catholic boys wrote home for their *tefilllin.* We have yet to hear of Protestant boys, who share dormitory with Jewish boys, sending for their Bibles.

* * *

The main religious concept which is Zionism's contribution to Judaism is a new formulation of the principle of faith.

That formulation is *af-al-pi-ken ve-lamrot hakol* ("Nevertheless and despite everything").

* * *

There are two kinds of resignation:

The wrong kind is to conceive life as fighting a losing war against fate.

The right kind is to conceive life as fighting losing battles but winning the war.

* * *

Human nature, as conceived by the scientists, is as much like what human nature actually is as a skeleton of a human being is like a human being.

M. M. K.

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